

# CHRB NEWS & REVIEW

NEWSLETTER OF THE CALIFORNIA HORSE RACING BOARD

AUGUST, 2004

ISSUE 30

## ALL IN A DAY'S WORK FOR CHRB INVESTIGATORS

**By Mike Marten**  
**Editor News & Review**

When he arrived for the late shift at Hollywood Park shortly after 8:30 a.m., investigator Richard Guerrero found his desk just the way he had left it the night before – loaded with case files, scribbled notes to himself, and other unfinished business.

“Chris and Ed are in the barn area,” Supervising Investigator Mike Kilpack told Guerrero as he entered the trailer that serves as the CHRB office. “Hamilton is out and about with Alex Trujillo of the Winners Foundation.”

While going over his plans for the

day with his supervisor, Guerrero wrote down a list of things to do:

- **Check tattoos**
- **Telephone conference**
- **Put together A. financial**
- **Contact meth center**
- **Speak with Dr. Bell**
- **Order Rap Sheet on B**
- **Enter S. Ruling**
- **Contact witnesses at Pomona**
- **Put B. case together**
- **Contact R. re: S. financial.**

As he settled into his task chair and started flipping through files, Guerrero explained, “We plan the day as best we can, then take things as they come,”

While Guerrero dealt quietly with

some paperwork, a glance around the room found little of interest aside from a framed photo of Guerrero with a young Colin Powell. Guerrero’s metal desk was one of six in the windowless interior cubicle. A door separated investigators from the licensing office, a public area where license technicians assist horse owners, trainers, and other racetrack workers in matters pertaining to CHRB-issued licenses.

The trailer sits just outside the main gate of the stable area at Hollywood Park, adjacent to the employee parking lot.

**(Continued on page 6)**

## MESSAGE FROM THE EXECUTIVE DIRECTOR

**W**orkers' compensation costs are going down in California, thanks largely to bills passed by the Legislature and signed into law by Governor Arnold Schwarzenegger this year.

It is too early to feel the full effect of SB 899, which triggered reforms in the state's workers' compensation system. But the horse-racing industry already is benefitting from AB 701, which raised the takeout on exotic wagers by 0.5 percent in order to generate approximately \$9.5 million to help the industry offset insurance costs.

Thoroughbred horsemen's organization are reporting that subsidies from AB 701 have brought down the base rate in premiums substantially to about \$22 per \$100 of payroll and reduced the base rate on jockeys from \$116 down to \$66. Starter fees are further lessening the burden of racing operations. I want to encourage trainers to share all savings with owners, so that everyone benefits from the reductions.

*The California Thoroughbred Trainers (CTT) and Thoroughbred Owners of California (TOC) are working together to reduce premiums even more by closely monitoring program activities. The alliance hopes to prevent accidents in the workplace, reduce fraud, and make the entire program more efficient.*

*Horsemen in other states reportedly are showing more interest in racing in California due to the cost reductions, which could lead to larger fields and increased handle. Congratulations to the CTT, TOC, and racing associations for staying united on this issue and getting this done with the support of the CHRB.*

*Roy C. Wood, Jr.*  
Roy C. Wood, Jr.



## IN THE GOLDEN STATE

### **CHRB Chairman Harris advised legislators of ways horse racing can help itself to reverse downward trends**

*CHRB Chairman John Harris testified at a joint informational hearing conducted by the California Senate Governmental Organization Committee and Senate Select Committee on Horseracing on June 8. An abbreviated text of his remarks follows.*

I am John Harris. I have a farm in Fresno County where we raise and train thoroughbreds that race throughout California. I am the current Chairman of the California Horse Racing Board, and over the years have been involved in about all of the thoroughbred horse organizations, including the California Thoroughbred Breeders Association, the Thoroughbred Owners of California, and The Jockey Club. I was also the Chairman of Bay Meadows Racetrack.

I want to make it clear that anything I say today reflects only my opinion and not any policies or opinions of any associations I may have.

Racing is having the best of times and the worst of times.

Saturday at Belmont Park as Smarty Jones tried to become the first horse to win the Triple Crown since Affirmed in 1978, the largest crowd to ever turn out for a sporting event in New York (over 120,000 fans) showed up. Total commingled handle for the Belmont races that day was over \$110 million, easily a record for a New York track. Smarty Jones was covered by about every media outlet in the country and was the first horse on the cover of *Sports Illustrated* in years. For one shining moment, racing was on the front page rather than hidden in the back somewhere like an unwelcome relative. That was a welcome sign of hope for a troubled industry.

Like some aging star, racing can rally for the occasional big day, but on a normal day-to-day basis has serious problems. On-track attendance is lucky to reach 2,000 people during the week at the northern tracks in California and maybe 5,000 in the south today, whereas years ago much bigger crowds showed up.

The horse industry is the most expensive way to provide people an opportunity to wager. We did well while racing had a monopoly on gaming. But now we compete head-on with the lottery, illegal wagering on sports, and Native American gaming featuring the allure of slots, a mindless game that has become the king of California gaming.

There are almost 40,000 foals born each year, with about 10% of them (or 4,000 a year) being bred right here in the Golden State. Breeders and owners invest at least \$20,000 in raising and training a horse before it even makes his first start – and often times much more than that. It costs \$2,000 to \$3,000 a month just to keep a horse in training. And all of this expense is dependent on somehow getting enough income coming back to the owners to pay all these expenses.

Less than 4% of each dollar bet comes back to the horse side. We have some very difficult economic situations to deal with unless the amounts wagered on racing can show growth.

## **CALENDAR**

### **AUGUST**

- 11 – San Mateo fair meet opens.**
- 12 – Ferndale fair meet opens.**
- 19 – CHRB monthly meeting in Del Mar.**
- 25 – Sacramento fair meet opens.**

### **SEPTEMBER**

- 3 – Bay Meadows thoroughbred meet opens.**
- 10 – Pomona fair meet opens.**
- 15 – CHRB monthly meeting in Pomona.**
- 24 – Cal Expo harness meet opens.**
- 29 – Oak Tree thoroughbred meet opens.**

### **OCTOBER**

- 6 – Big Fresno Fair meet opens.**
- 14 – CHRB monthly meeting in Arcadia.**

This is a serious problem for the state, as it would be a great loss for California to not allow racing to flourish. It provides many jobs, generates much economic activity, and has been an exciting sport in our state's history. It also provides vast amounts of environmentally friendly open space.

So, how do we improve racing? One immediate fix would be to allow slots into racetracks. But regardless of whether we get slots and the revenue enhancement that would provide, we still need to do everything possible to maximize interest in our sport and get more fans interested in making racing something they value and view as a fun and stimulating activity. To do this I think we need to reinvent ourselves in several areas.

Racing is often viewed as too complicated, or too intimidating to the average person. How do we address this? Spending money on promotion and advertising is one way, but despite the fact that just here in California over \$30 million has gone into a fund to better market racing, no measurable increase in fans has occurred.

Part of the issue is that much of our wagering occurs not by a fan on track like the old days, but by a variety of ways from wagers all over the country. Last year in California only 18% was wagered by bettors at California tracks where the live races were being run. Another 41% was bet in California at other outlets, with the remaining 41% being bet at out-of-state locations. Currently about 8% of wagers are made via the account wagering system that was legislated a few years ago.

I do strongly feel that account wagering has a good future if we can reestablish racing in general. But I think getting fans into the live track experience is key in developing long-term fans. We need to look at every aspect of what a new fan or returning fan encounters when he makes the effort to come to a track. Parking and admission prices are not high when compared to premier sporting events, but are high compared to other gambling venues, such as Indian gaming and playing the lottery. We need to reinvent the experience when fans do arrive. We need a more open atmosphere from the admission gates to the betting windows, with fewer barriers once people get into the track, and a stronger emphasis on customer relations.

We need to figure out a way to make horse racing something people really want to follow. Big days such as Smarty Jones provided and other big events like the Derby and the Breeders' Cup, and also California Cup and the Sunshine Millions, need maximum exposure, as they keep our sport in the public eye. But we also need some reason for at least a decent crowd to come out to Hollywood Park or Bay Meadows or the fairs on a weekday when there are no major name horses on the program. The attraction is to have a fun time in a friendly atmosphere, and win or lose to feel the day was worthwhile. Somehow we have lost that magic.

We didn't lose our appeal overnight, and we won't get it

back overnight either. So where is the light at the end of the tunnel and what do I suggest happen?

Desperate times call for desperate moves, and I am recommending some. Keep in mind that some of these are "out of the box" thinking and may not be practical or popular, and only represent my thoughts at the moment, but it is a start to trying to figure out what to do with a critically ill industry.

- **Racing should institute a free-parking, free-admission policy to all tracks for a year and heavily promote it as a condition of a racing association getting a license. This will get us on a level playing field with other forms of gambling in California with free gates.**
- **Place greeters at all the tracks and the fairs. They could be paid for by both horse owners and tracks out of the \$6 million a year promotional fund. Have them well-trained and equipped to let people know the various options on where to watch a race, where to bet, what food and refreshment facilities are available, etc.**
- **Do everything possible to demonstrate to the public the high integrity of California racing. Educate people to the fact the California has the highest drug-testing standards in the world. Get the stewards more involved with the public in explaining how they monitor every race, and have them give a detailed description of any inquiry.**
- **Get closure on the rebate issue by disallowing rebates that are in excess of what a Californian can get betting right here. Currently, big bettors in the Caribbean and elsewhere are getting a distinct advantage over the average customer right here in California due to the major rebates most offshore customers receive. This is not fair. The industry is so addicted to this incremental handle that it looks the other way and the domestic fan base is being damaged.**
- **Better utilize jockeys, owners, and trainers in outreach programs to the public and the media. Get a top-notch publicist to work with all these people on positive media placements.**
- **Work with Native American tribes, particularly those without gaming income at this time, to develop some sort of compact that would allow them to put slots into racetracks and fairs and share the income with the horse industry. As part of the deal, insure that these operations meet the same standards in employment and environmental law as the tracks now meet.**

Thank you for the opportunity to be here today, and I would be pleased to answer any questions.



# THE EQUINE PRESCRIPTION

FROM THE DESK OF THE CHRB  
EQUINE MEDICAL DIRECTOR



DR. RON JENSEN

CHRB rules require that all horses that die at a California racetrack or licensed training facility undergo a thorough post-mortem examination by pathologists at one of the California Animal Health and Food Safety Laboratories (CAHFS). This cooperative program involves the CHRB, CAHFS, California racing associations, owners, trainers, and veterinarians. It is now in its 11th year of operation.

The program and related research studies have resulted in a better understanding of injuries and diseases, and the development of strategies to help reduce them.

A review of case reports in the program from September 1999 through November 2003 found that the death of 16 horses was due to fractured vertebrae. In seven of these cases, the fracture occurred as a result of the horse being involved in some sort of collision, such as running into a fence or into another horse. However, nine of these fractures occurred to horses while they were racing and did not have a history of collision or external trauma during the running of the race in which they were competing.

## CASES

The first of the nine cases involved a thoroughbred that was eased during a race. The horse appeared to be dragging his left rear leg and was thought to have “locked the stifle joint” (upward fixation of the patella) as he was pulled up by the jockey, and then fell. The horse was later euthanized. The post-mortem examination did not reveal any pathology of the left stifle, but the 3<sup>rd</sup> and 4<sup>th</sup> lumbar vertebrae had been fractured. The assumption was that the horse was dragging the left rear leg due to the results of the fractured vertebrae rather than from an upward fixation of the patella.

Seven of the nine horses in this review were quarter horses. Three were 2-year-olds and six were 3-year-olds. There were five fillies, three geldings, and one colt.

The location of the fractures was similar in several cases. Five of the nine cases involved fractures of the 5<sup>th</sup> and 6<sup>th</sup> lumbar vertebrae, while two involved fracture of the 5<sup>th</sup> lumbar vertebrae. One fractured the 3<sup>rd</sup> and 4<sup>th</sup> lumbar vertebrae. The ninth had fractures of the 15<sup>th</sup> and 16<sup>th</sup> thoracic vertebrae.

In the eight horses that were euthanized, the fractured vertebrae caused compression or severe damage to the spinal cord. The ninth horse died due to internal bleeding caused

when the fracture severed a major artery..

Several of the horses fell during the running of the race. One fell just after the start, and one fell just at the finish. Most fell during the race. A rather common assessment from the jockeys who rode these horses was that the horse seemed to be traveling fine until it felt as if the horse had suddenly lost control of its hindquarters.

The post-mortem examination of some of these cases found evidence of pre-existing pathology of the fractured vertebrae. In some instances, the pathologists noted pre-existing damage to the epiphysis (growth plate) of some of the vertebrae. The cause of this damage could have occurred as a result of trauma, infection, or metabolic disease.

## DISCUSSION

It is readily apparent that horses generate considerable force to the musculoskeletal system while racing. However, it was somewhat surprising that horses not involved in a collision or subject to some form of external trauma could generate sufficient force while racing to fracture vertebrae. The vertebrae fractured in the majority of these cases were the 5<sup>th</sup> and 6<sup>th</sup> lumbar vertebrae. The reason for this similarity in fracture location has not been determined.

The fact that pre-existing pathology was noted in some of the cases is not surprising. Scientists working with the program as well as others have reported the frequency and the role of pre-existing lesions in many fractures sustained by racehorses. It is becoming more and more apparent that many of the catastrophic injuries to racehorses are often not an acute or a onetime event, but rather the result of accumulated or pre-existing pathology.

Quarter horses are over-represented in this report of vertebral fractures. The reason is unclear, but may be associated with the conformation of the quarter horse or with the style of racing, as the distances are short, they explode from the gate, and they race with maximum exertion for the entire race.

This finding of the incidence and role of fractures of the vertebrae is but one of the many important contributions to understanding racing injuries made by the California Horse-racing Post-Mortem Examination Program.





# BE OUR GUEST...

***The California Horse Racing Board believes the best way to regulate an industry is to be fully informed. The CHRB regularly solicits input from the public and the horse-racing industry, and this guest editorial page is one more forum for that purpose.***

*This guest editorial was submitted by representatives of the Jockeys' Guild, an organization representing 1,181 jockeys throughout North America.*

Recently, the Jockeys' Guild introduced a proposal to the CHRB to modernize the Scale of Weights. The current rules on the weight carried by a horse do not consider the health or safety of the jockey. A rewriting of the rules has become critical, and is long overdue.

In its current form, the Scale of Weights is defined by some combination of the age and gender of a horse, the length of the race, the jockey weight, and the weight of some of the equipment that a horse carries. These rules lack clarity, are incomplete, and are susceptible to charges of deception, or worse, fraud. Under the revised format, the Scale of Weights addresses the weight of the jockey (nude), the minimum body fat content of the jockey, and the weight of all equipment carried by the horse from withers to rump.

## JOCKEY HEALTH

The American Counsel on Exercise recommends that male and female athletes maintain body fat levels ranging from 6-13% and 14-20%, respectively. A lower minimum of 5% is permitted in wrestling, cycling, and gymnastics, as required by their respective governing bodies. This standard is advocated by a wealth of clinical studies, including a landmark joint statement (circa January 2001) by the American College of Sports Medicine (ACSM), in cooperation with the American Dietetic Association (ADA) and Dietitians of Canada.

Based on our review of the required body fat percentages for similar athletes, it is prudent and essential to set the minimum body fat for jockeys at 5% of total body mass. The human body requires a constant supply of glucose for the generation of energy within every cell. In conditions of starvation, the body begins to cannibalize vital organs to provide a supply of glucose, causing permanent damage to the liver and kidneys. Total body fat measurement provides an objective and easy way to measure a jockey's physical health and prevent accident-inducing low blood glucose.

Body fat can be measured with a high degree of accuracy using the bioelectrical impedance analysis technique.

The measurement takes about 10 seconds and is safe and non-invasive.

The minimum jockey weight criteria of 118 pounds (for thoroughbreds) contained in the proposal will eliminate the need for three out of four jockeys to resort to the current extreme and self-destructive activities taking place in jock rooms and allow them to maintain the requisite level of body fat content. The 123-pound minimum for quarter horse racing was based upon the five-pound heavier weight allowance permitted in that segment of the racing industry.

## JOCKEY SAFETY

Jockey safety is the second key element in the change to the existing rules. California Rule 1684 (Items Included in Weight) describes the items of equipment included in the "jockey weight" as "... his riding clothing, saddle and pad." This description accounts for less than half of the jockey clothing and riding equipment a horse carries from withers to rump. By requiring precisely 10 lbs., the new rule ensures that every jockey in every race will ride with all currently acceptable safety gear, and that the information provided to the public is accurate and quantifiable. More importantly, it increases our ability to focus on improving the safety standards of the equipment currently being worn without further interference in the racing secretary's job.

As in the past, the CHRB has assumed a leadership role in American horse racing. The Board's continuing interest in and support of the health and safety of its jockeys is commendable. With workers' compensation, subsidized family health insurance, mandatory safety rails at all tracks, and legislated charitable donations to disabled jockeys, California is the only state that provides all of these benefits.

Once again, the CHRB has taken the lead in reconfiguring an antiquated system, the Scale of Weights, and setting a landmark standard to protect these most undervalued athletes.

Investigators Frank Fink and Doug Aschenbrenner, also on the late shift with Guerrero, had quietly slipped into the room and both were pecking away at laptops on their desks. Then investigators Chris Loop and James Hamilton entered and greeted everyone. They were working the early shift, along with Kilpack, and had been on duty since 6 a.m.

The phone rang. Fink answered the call, then told Guerrero it was for him. It was Sharyn Jolly, the investigator at headquarters office in Sacramento who handles appeals, fines, and other administrative matters for the CHRB. She was looking for a \$35 check that a trainer told Jolly he had given to Guerrero for a test.

“No way did he give me the check,” Guerrero told Jolly. “He probably forgot to send it and now he is trying to stop the clock because the deadline is past.”

Mildly irritated by the trainer’s ploy, Guerrero tried to put it out of his mind as he returned to his own work with intensity. He was putting together the initial paperwork on a new case involving an infraction at a nearby training center. Guerrero had arranged for a conference call with a witness

later in the morning. He took a blank “Investigations File” form that serves as the cover sheet on all case files and he began filling in key information – the case number, the name and license number of the person filing the complaint, the names and license numbers of the accused, and so forth. Then he filled out and attached a worksheet to record all activity on the case.

“This is a case involving a lot of witnesses, so it could take four to six weeks to complete,” said Guerrero. “I have 17 other active cases, so I’ve got to work this one in with the others. It’s a juggling act. You’re dealing with lots of cases at the same time. You take each case from beginning to end, but you never devote all of your attention to any one case. You juggle them all and deal with other matters that sidetrack you as they come along.”

## Financial Complaints Add to Workload

Guerrero picked up a file and said he was waiting to hear back from a trainer about a financial complaint that was filed against him by another licensee. This was one of hundreds of cases involving financial complaints that Guerrero and the other investigators in California handle throughout the year. CHRB regulations allow the stewards to deal with certain financial disputes between licensees – a streamlined process that allows people working in the California horse-racing industry to avoid going to court to settle their differences. It means a lot of extra work for investigators and the stewards throughout the state. Last year they processed 263 financial complaints, which resulted in 112 rulings by the stewards.

“Not every case reaches the stewards,” explained Guerrero. “When I receive a complaint, I confront the licensee and tell him he can avoid the hassle if he just pays the bill. About half the time we work out a payment schedule without involving the stewards.”

Guerrero made a quick phone call to a licensee appealing a stewards’ decision. The case was going before an administrative law judge (ALJ) the following week, and Guerrero was doing his best to get everything in order beforehand.

Now it was nearing 10:30, so Guerrero



**It is important to check medications that are being administered to horses at racetracks. CHRB Investigator Richard Guerrero is seen going through a medicine cabinet at one barn and discussing medications with veterinarian Dawn Hunkin.**

## ALL IN A DAY'S WORK...

moved into Kilpack's private office to complete the call he had arranged with the witness on the new case at the training center. Once he had the witness on the line, he placed a tape recorder next to the speakerphone and recited loudly, "This is investigator Ritchie Guerrero working out of the Hollywood Park office. This is a taped interview of ..."

He asked the witness if she was aware that the conversation was being recorded. She said yes. She was about to provide confidential information, so Guerrero cleared the room and closed the door for privacy. He interviewed the witness for about 15 minutes. As he came out, Guerrero gave a thumbs-up to indicate the interview had gone well.

### Walking the Backside

"Let's go out to the barn area and check a few horses," said Guerrero as he grabbed a program identifying the horses entered to race that day and a corresponding list of their lip tattoo numbers and their stall locations.

He led the way out through a side door that opened onto the main road leading into the stable area. Rows of huge concrete barns lined the road on either side. First on the right in 70N (north) was Bobby Frankel's barn, then Ron McAnally's (70S). Over on the other side of the road, in what you might call multiple dwellings, were trainers with smaller stables who share the same barns. Jerry Dutton, Jerry Hollendorfer, and R.L. Lockwood all shared 72E.

The concrete barns were constructed in the 1980s when demand for stalls was at its highest. They replaced the old wooden shedrows that are more common in stable areas throughout the country, including most of the other race-tracks in California. The concrete barns vary in size, but essentially they all are two-story structures with rows of back-to-back stalls in the center and an aisle and outside row of stalls on both sides. The largest of the barns houses about 120 horses. Tack rooms, restrooms, and offices are located at both ends of the shedrows.

Trudging down the dirt road toward the barn area, Guerrero continued a discussion he had begun earlier about his background and how he wound up on the horse-racing beat.

### Raised in Los Angeles

Born in Los Angeles in 1949, Guerrero grew up in the neighborhood just north of Chinatown called Bunker Hill. His father sold real estate in the nearby downtown area. Los



**Guerrero checks a lip tattoo with assistance from groom Maria Montufar.**



**Guerrero often walks through the shedrows checking horses entered to run that day. Their stalls are marked by yellow detention signs.**



Angeles was beginning its post-World War II building boom, so business was good and the family lived well.

Young Ritchie attended public schools in the Bunker Hill area. He graduated from Abraham Lincoln High, and then he earned a degree in political science from Cal State LA with an emphasis on pre-law courses. He intended to earn a law degree at UCLA but changed his mind and joined the Los Angeles Police Department in 1974.

“Since I was a boy, I’ve been fascinated by political science and laws affecting government, which was one reason I had aspirations of becoming an attorney,” Guerrero explained. “Some friends from my neighborhood went into law enforcement. I would run into them and they would tell me it was a great career. The more I thought about it, a career in law enforcement made sense. It was an opportunity to give something back to the community and to make the community a safer place.

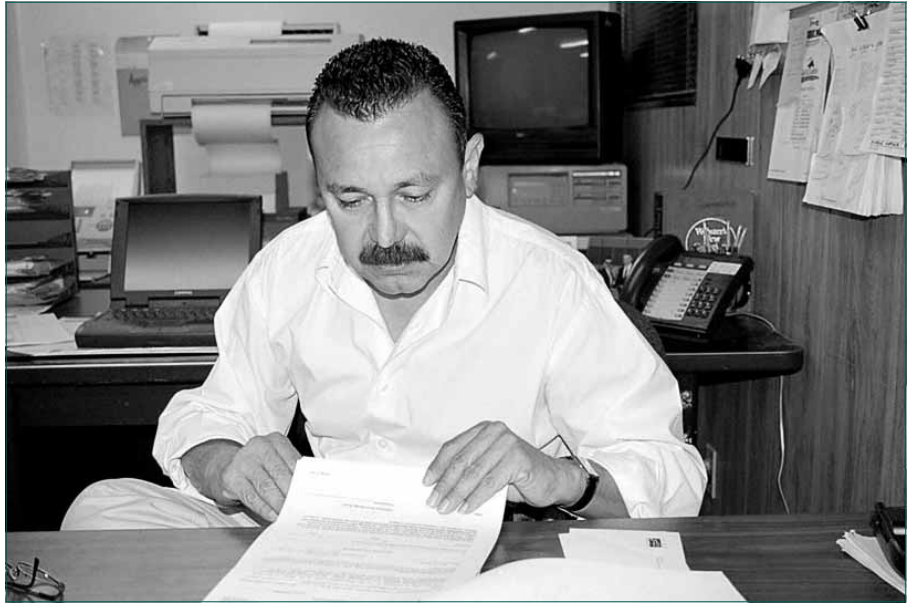
“My friends assured me I would get through the physical training without any problem. All of the men in my family are runners, and I’ve been running five miles a day since I was 15. And I had another advantage. My uncle was a champion skeet shooter, and he introduced me to firearms when I was 13. So, I was fairly proficient in firearms before I ever joined the department.”

“I have no personal agenda. My job is to get at the truth and let the stewards and ALJs make the decisions.”

Guerrero breezed through the police academy as easily as predicted, and then he went through a succession of increasingly important and demanding jobs that would look good on anyone’s resume: patrol, vice, narcotics, intelligence, then specialized weapons and tactics.

“I went to the Metro Division in 1980, which is a specialized unit that deals with everything from burglaries to homicides to dignitary protection. (That explained the photo of Colin Powell.) I was in Metro for 16 years. During that time I was selected for SWAT. I left Metro when I was promoted to the rank of sergeant, and I became the field sergeant in charge of patrols and a watch commander in charge of a geographic division. I retired from LAPD in October 2000.”

The minute he left LAPD, Guerrero started receiving job offers to provide security for political dignitaries, corporate



**Guerrero goes over a case that he is about to present to the stewards at Hollywood Park.**

executives, and celebrities. This meant traveling throughout the United States and working up to 16 hours a day. He did it for one year before deciding it was too taxing on him and not fair to his wife and children, who had put up with his grueling schedule with LAPD and now deserved more of his time.

“Somebody mentioned an opening at the California Horse Racing Board, so I inquired and scheduled an interview,” said Guerrero. “The next think I knew, I was offered the job. It happened quickly. Everything fell right into place.

“The first morning, I showed up at Santa Anita Park to meet (CHRB Chief Investigator) Bob Nieto and Mike Kilpack at 5 a.m. to go through some procedures and learn some preliminary aspects of the job. We went into the stable area. It was pitch dark. And I couldn’t wait to get started.

“Working in horse racing is challenging, fascinating. The types of cases are different – with LAPD it was criminal cases, now it’s mostly administrative cases. I’m still involved in criminal cases. For example, I’ve been involved in the arrest of 12 narcotics distributors since I’ve been at the race-track. But whether the cases are administrative or criminal, the basic investigative tools remain the same. You’re still interviewing witnesses, separating fact from fiction, using your intuition, and putting years of experience to good use.

“I think it’s been an advantage that I had no previous attachments to the horse-racing industry. I’ve been able to begin each case with an unbiased point of view. I approach each owner, each trainer, each racing commissioner, each licensee the same way with cordiality and respect. I tell them I just have a job to do. I have no personal agenda. My job is to get at the truth and let the stewards and ALJs make the decisions.”



## Checking In-Today Horses

We reached barn 72W. Consulting his program and list of horses, Guerrero decided to check the horses entered in the sixth race, which would be run in about four hours. While at those barns, he would also check any other horses entered by that trainer to run that day. He mapped out a route through the large stable area that would take him through most of the barns in the shortest amount of time.

CHRB rules permit the administration of certain therapeutic medications to horses within 48 hours of a race, but only in restricted amounts and within specific time frames. All other drug substances are forbidden. To help ensure a level playing field for all racing participants, CHRB investigators are becoming increasingly involved in surveillance in the stable area of horses entered in races. At any given time there could be seven or eight investigators and other security personnel moving through the stable area and paying surprise visits to barns. To keep things random, investigators purposely do not discuss their routes with one another. One investigator could be finishing up an inspection and leaving a barn as another investigator walks in from the other side to begin checking the same horses. This way, licensees never know what to expect.

### COMINGS AND GOINGS AT THE CHRB



**Jacqueline  
Wagner**

Jacqueline Wagner, manager of the Policy and Regulations Unit of the CHRB, was appointed a deputy director of the Department of Fair Employment and Housing by Governor Arnold Schwarzenegger. She left the CHRB for her new post on April 16.

Wagner, who joined the management team at Mervyn's after earning a B.A. in psychology from Cal State-Sacramento, later worked as a sales assistant at Merrill Lynch before joining state government as a tax compliance representative at the Franchise Tax Board in 1987. She came to the CHRB in 1990 and worked as a program analyst in Policy and Regulations — the Unit she would eventually manage. She also served as the Board's legislative liaison in the Capitol.

Anson Gip, who came to the CHRB in 1999 as an office assistant in Sacramento, left state service June 16 in order to work and study in Japan.

Alan Tier, formerly a tax technician with the Franchise Tax Board, came to the CHRB on March 2 as a license technician II in Sacramento.

Trainers Mike Mitchell, Doug O'Neill, and Bill Spawr all had horses entered in the sixth race, which worked out well because Mitchell and Spawr are in the same barn and O'Neill is just next door.

Guerrero began with Mitchell and a horse named Timely Jeff. A few steps down the shedrow brought Guerrero to a stall with a large yellow sign posted next to the entrance that read: "*Secure Area. Detention Stall. Do Not Approach. No Se Acerque Usted.*" Inside this stall was the dark brown gelding Timely Jeff. He was alone, standing toward the rear of the stall, but he quickly moved forward to the entrance when he saw he had company. Probably he was hoping for food because when none appeared, he lost interest in the visitors.

Mitchell's foreman, Miguel Gonzalez, was further down the shedrow. Guerrero walked up to the foreman, identified himself once again, and said he wanted to check Timely Jeff. The foreman obliged by walking to the stall and lifting the upper lip of Timely Jeff, exposing the seven-digit lip tattoo that had been stamped onto the inside of the lip two years earlier when Timely Jeff first arrived at the racetrack. The tattoo was difficult to read, but the last few numbers were clearly legible and they matched the record that Guerrero held in his hand.

## Horses Placed in Detention Stalls

All horses entered in races must be placed in detention stalls. Owners, trainers, veterinarians, and others may only enter a detention stall for good cause. And because detention stalls are clearly marked by the large yellow signs, actions in and around those stalls are more likely to be noticed by others not associated with a particular horse. Checking lip tattoos ensures that the right horses are in the detention stalls.

It turned out that Mitchell had two others horses running that afternoon — The Castle in the second race and White Buck in the fourth — so Guerrero inspected those horses, too. Everything checked out fine. He moved on to the other end of the barn to where Spawr's horses were stabled. There he checked Ditch Digger, entered in the sixth race, and Snow-bound Native (second).

Over at O'Neill's barn, a farrier was shoeing a horse and for some reason most of the workers were gathered around monitoring the progress. Only one groom was visible down the long shedrow. He was pulling leg wraps (bandages) from a plastic tub and rolling them up for storage. One of O'Neill's foremen, Joel Mena, accompanied Guerrero as he moved from detention stall to detention stall checking horses entered to run that afternoon: Flamethrowintexan in the third, American Son in the fourth, Potri Star in the fifth, and My Master in the seventh. Everything was in order.

Guerrero followed the same procedure as he moved from barn to barn while he checked every horse entered in the sixth race. It had taken about one hour and it was nearly 12 o'clock and time for lunch. He planned to come back later and check

another race, or perhaps the same horses again. He would decide later.

When Guerrero arrived back at the trailer, Kilpack asked with mock solemnity, “What’s your Code 7?” To which Guerrero responded, “Oh, I don’t know. How do you feel about Mexican?”

## Shoptalk at Lunch

Casa Gamino Family Restaurant is a small place near Los Angeles International Airport that relies heavily on the lunch crowd. It is dimly lit. Orange is the dominant color. Sombreros hang from the walls. The closest thing to art is a three-foot-tall decorative paper bottle of Dos Equis beer sitting on a ledge. But the service is good and the waiters keep bringing full baskets of warm tortilla chips.

Investigator Jim Hamilton had decided to come along. The group of four settled into the only empty booth available and everyone ordered beverages – two iced teas, one diet Coke, and one water.

As is so typical with co-workers having lunch together, the conversation was dominated by shoptalk. Guerrero told Hamilton that Valenzuela had reported in and been tested. This led to a discussion of the jockey’s appeal of a suspension and speculation about how that might turn out.

Kilpack suddenly recalled something important he

needed to do. He used his cell phone to reach his supervisor, Bob Nieto, and asked him a few questions. The others ignored the conversation. After finishing the call, Kilpack ate a few of the chips but he looked guilty about it. “I’m supposed to stay away from carbs,” he explained.

Hamilton said he had spent part of the morning dealing with a discrepancy in the identification of an unraced 2-year-old colt that had just arrived at the track. The colt’s markings were not consistent with the description listed in its registration papers. Everything needed to be sorted out before the horse could be properly identified, tattooed, and allowed to run in a race.

The conversation was more of the same as the food arrived and everyone polished off the tacos, burritos, and salads.

During the drive back, Kilpack’s cell phone rang. It was Nieto following up on the earlier conversation. The call only lasted two or three minutes. The drive wasn’t much longer. Hollywood Park is just minutes away from LAX.

As they walked through the parking lot and climbed the steps of the trailer, the voice of track announcer Vic Stauffer could be heard in the distance. He was calling the first race. It was 1:20 p.m. The day was half over, but Guerrero hadn’t completed half of the things on his list of things to do. So what else was new?

## Taking Things As They Come

As soon as he sat down at his desk, the phone rang. It was the clerk in the steward’s office calling to provide Guerrero with a ruling number he had requested. It was typical follow-up work on a case nearing completion. The three stewards who act as judges at the racetrack had conducted an administrative hearing on a complaint filed by Guerrero (the CHRB) against a licensee. Now he had to enter the ruling information in the computer file on the case. After that, he would ask Kilpack to review and sign off, and then the case would be officially closed.

## IN MEMORIAM

Chris Foley, a longtime CHRB counsel, died last January while skiing alone, inadvertently on the back side of Mammoth Mountain. His remains were found outside Mammoth’s ski boundary, which encloses 3,500 acres of developed ski area.

Chris was employed by the Attorney General’s Office in Los Angeles for 30 years prior to his retirement just nine months before his death. He was 63. Nearly all of his service was in the AG’s Government Section, where he was well respected. He frequently represented the CHRB at various legal proceedings, including appeal hearings and, on occasion, sitting in at counsel at CHRB Board meetings.

Chris was a likable, soft-spoken, capable counselor. He possessed a sound knowledge of the CHRB Rules and Regulations, including its medication policy and drug testing procedure. He was always well prepared for hearings and maintained a confident courtroom demeanor.

When I would learn of a case being assigned to Chris, I would always have the feeling: *We now had our best chance to prevail.* Chris was simply one of those few individuals who stand out among all the acquaintances that you make during your lifetime.

— Ed Stetson, retired CHRB investigator

## DISTINGUISHED MEMBER AWARD

During the conference in Dubai of the International Group of Racing Specialist Racing Veterinarians, Dr. Ron Jensen, the CHRB equine medical director, received the IGSRV Distinguished Member Award.

The IGSRV is an organization of racing regulatory veterinarians with membership from racing countries around the world.

Jensen was recognized for his many contributions to the organization during the past 22 years. He has served as treasurer, vice chairman, and chairman, and a member of the Executive Committee for 18 years. Currently, he is the treasurer and one of two IGSRV veterinary representatives to the Advisory Council on Doping Control for the International Federation of Horseracing Authorities.

Next he called Dr. William Bell, the official veterinarian who represents the CHRB on the Southern California thoroughbred circuit and oversees the receiving/test barn where horses muster just before a race and return afterwards to have their urine and blood samples collected for testing. Dr. Bell had lodged a complaint against a licensee who had used foul language at the receiving barn. Guerrero took down the information and opened a case file on the complaint.

“Let’s get out to the barn area to check on some more horses,” he said, but as Guerrero stood to leave, a license technician, Diana Ascanio, entered from the front public office and asked Guerrero to help deal with a problem. She could have approached any investigator in the room for help, but the matter involved a licensing problem with a Spanish-speaking groom. Guerrero is fluent in Spanish.

The groom resides in New Mexico and has a license in good standing in that state, but he brought in a horse that was entered at Hollywood Park and he needed access to the stable area. When Ascanio entered his personal information in the data base, the groom’s record indicated he had recently been convicted of a felony, which can be grounds for denial of a license in California.

Guerrero spent the next 30 minutes interviewing the groom, who gave up information begrudgingly. It was like pulling teeth to get anything out of him. But after a few telephone calls and more questioning of the groom, Guerrero determined that the groom had in fact been convicted of criminal possession of cocaine for sale.

“No way do you get into the stable area,” Guerrero told the groom, who complained that he was responsible for the horse he had brought from New Mexico. Guerrero contacted an associate of the trainer in New Mexico and made arrangements for another licensee to take care of the horse. The associate also provided the groom with some money, so that he could get a hotel room until the trainer arrived to sort things out.

### **One After Another**

Just as he wrapped up that matter, Ascanio brought him another case involving a woman who had applied for security work at one of the Indian casinos that accepts wagers on horse races. Individuals working within the race betting “enclosure” at the Indian casinos must be licensed by the CHRB.

Again, when Ascanio had entered the woman’s personal information in the data base, the record showed a recent fel-

ony conviction. License technicians always turn such matters over to investigators.

Guerrero questioned the applicant. She said she had been convicted of driving under the influence, which generally is a non-disqualifying offense for which the applicant would not be denied a license. Guerrero asked the woman to provide court documents to substantiate her explanation. He cautioned her that as a condition of licensure, she might have to attend counseling sessions at the Winners Foundation, which is an employee assistance program at California racetracks.

“That takes care of another one,” said Guerrero as he looked at his watch and saw that it was already 3:30. “I guess we won’t be going back out to the stable area to check on horses. I’ve still got some things I need to finish up today.”

### **Split Samples Retained**

Guerrero called Greg Fabbri, an investigator who helps oversee the split-sample program. When an equine sample tests positive for an unauthorized substance, the owner and trainer have an option of having a split sample of the urine or blood tested at another officially recognized laboratory. The split is collected along with the primary sample by Dr. Bell or another official veterinarian at the test barn after the race. The samples are placed in different containers and stored separately in case the primary sample somehow becomes contaminated. Fabbri is custodian of the split samples. Guerrero needed to know the results of a split-sample test. Fabbri wasn’t in, so Guerrero left a message for him.

Guerrero made half-a-dozen more telephone calls relating to various cases, including to a horse owner who felt a trainer had overcharged him on a bill and a trainer who was appealing a ruling by the stewards. Guerrero contacted some of the witnesses in those cases to advise them of the time and place of the hearings.

Off in the distance, Stauffer could be heard calling the final race of the program. It was nearly 5 o’clock. Time to wrap things up for the day. The early shift had left several hours earlier. It was the responsibility of Fink, Aschenbrenner, and Guerrero to turn off the computers, lock up the sensitive files, and put things in order.

Guerrero went over his to-do list one last time. He hadn’t gotten to everything on the list, but he had managed to do the most important things that couldn’t wait. He took out a fresh sheet of paper and started a new list for tomorrow.

Fink was turning out the lights, so Guerrero shoved the list under a folder on his desk and headed for the door. As the trio exited the room and locked the door behind them, they heard one of the phones ringing inside. They ignored it and walked to their cars. If the call was truly important, they each had a radio-cell phone and could be reached in an emergency. Anything else could wait until tomorrow.



***Please help us enforce  
California’s racing rules.  
Call (800) 805-7223 to  
report any violations.***



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